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EXAMINER	
LONG, FONYA M	
ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
12/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/686,967	BARRINGER ET AL.	
	Examiner	Art Unit	
	FONYA LONG	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5 and 16-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5 and 16-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is a Final Office Action rejection on the merits in response to communications received on October 01, 2010. Claims 2 and 6-15 have been cancelled. Claims 1, 3-5, and 16-31 are currently pending and have been addressed below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-5, and 16-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard (5,404,393) in view of Von Kohorn (5,034,807).

As per Claim 1, Remillard discloses a system including:

a distinct first media source configured to broadcast a first show, of a series of shows, wherein the distinct first media source includes a distinct first interface configured to transfer marketing information within the first show to a remote recipient of the first show (Col. 5, Line 7-Col. 6. Line 21, discloses providing a television that is configured to display television programs and advertisements (i.e. marketing information));

a distinct second media source configured to present additional marketing information associated with the transferred marketing information by a distinct second

interface to the remote recipient (Col. 5, Line 62-Col. 6, Line 21, discloses a user requesting additional information regarding an advertised product via an electronic device, where the host compute provides the information).

Remillard discloses a processor (Col. 6, Lines 22-59, via a CPU) and the concept of the system being applicable to polling events (Col. 6, Lines 1-21). However, Remillard fails to disclose accepting a proposed strategy from a remote recipient; a searchable database; the processor being configured to select at least one proposed strategy stored on the searchable database; and transfer the selected proposed strategy, by the first media source distinct first interface, within a second show, of the series of shows.

Von Kohorn discloses the system for evaluation and rewarding responses and predictions with the concept of accepting a proposed strategy from a remote recipient (Abstract, via a plurality of remote receiving stations wherein one or more members of a remote audience has the opportunity to respond to a situation presentation in the television program by entering a response (i.e. proposed strategy) on a keyboard. Col. 41, Line 63-Col. 42, Line 12, discloses the responses relating to merchandise being advertised); a searchable database configured to store a plurality of proposed strategies (Abstract, via a memory response to the instructional signal for storing acceptable responses (i.e. proposed strategies). Col. 15, Lines 33-55, discloses the memory 106 storing data with the to the answers which are to be provided by the viewing audience (i.e. proposed strategies) wherein information is capable of being retrieved from the memory 106.); and a processor being configured to select at least one proposed

strategy stored on the searchable database; and transfer the selected proposed strategy, by the first media source distinct first interface, within a second show, of the series of shows (Col. 15, Lines 5-23, via a digital computer suitably programmed to facilitate a reading of the score and or response (i.e. proposed strategy) by the host on the television show).

Therefore, from the teaching of Von Kohorn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus of interactive television of Remillard to include accepting a proposed strategy from a remote recipient; a searchable database; the processor being configured to select at least one proposed strategy stored on the searchable database; and transfer the selected proposed strategy, by the first media source distinct first interface, within a second show, of the series of shows as taught by Von Kohorn in order to aid in providing interactive television programming where viewers opinions can be obtained.

As per Claim 3 and 4, the Remillard and Von Kohorn combination discloses the claimed invention as applied to Claim 1, above. While Remillard discloses transferring marketing information to a remote recipient of the first show, Remillard does not disclose that the marketing information includes financial assistance products; or at least one of a transaction card, a financial service, and a loan service.

However, Examiner asserts that the data identifying the information as "financial assistance products; a transaction card; a financial service; and a loan service" is a label for the information and adds little, if anything, to the claimed system and thus does not serve to distinguish over the prior art. Any differences merely to the meaning and

information conveyed through labels (i.e., the type of information) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have information regarding financial assistance products; a transaction card; a financial service and a loan service as well as marketing information as discloses in the Remillard reference because of the type of information being provided does not structurally alter or relate to the structure of the system and labeling the information being provided differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 5, the Remillard and Von Kohorn combination discloses the claimed invention as applied to Claim 1, above. While Remillard discloses a television show, Remillard does not disclose that the television show is a reality television show.

However, the Examiner asserts that the data identifying the television show as "reality" is a label for the television show and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., the type of television show) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a reality television show as well as a television

show as disclosed in the Remillard reference because the type of television shoe does not structurally alter or relate to the structure or the system and merely labeling the television show differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 16, Remillard discloses the claimed invention as applied to Claim 1, above. However, Remillard fails to explicitly disclose the second show is dynamically altered based upon the selected proposed strategy.

Von Kohorn discloses the system for evaluation and rewarding responses and predictions with the concept of the second show is dynamically altered based upon the selected proposed strategy (Col. 15, Lines 5-23, discloses the television show being altered based on the score and/or response (i.e. proposed strategy) provided by a remote audience member, wherein the host the television show reads the score and/or response).

Therefore, from the teaching of Von Kohorn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus of interactive television of Remillard to include the second show is dynamically altered based upon the selected proposed strategy as taught by Von Kohorn in order to aid in providing interactive television programming where viewers opinions can be obtained.

As per Claim 17, Remillard discloses the distinct first interface configured to transfer marketing information is a television (Fig. 1 (50); Col. 5, Lines 7-21, via a television).

As per Claim 18, Remillard discloses the second media source is a computer (Fig. 1 (30); Col. 4, Line 57-Col. 5, Line 32, via host computer).

As per Claim 19, Remillard discloses the distinct second media source is further configured to search for additional marketing information associated with the transferred marketing information (Col. 5, Line 62-Col. 6, Line 21, discloses a user requesting additional information regarding an advertised product via an electronic device, where the host compute provides the information).

As per Claim 20, the Remillard and Von Kohorn combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to disclose the remote recipient is a small business owner.

While Remillard discloses a remote recipient, Remillard does not disclose that the remote recipient is a small business owner.

However, the Examiner asserts that the data identifying the remote recipient as "a small business owner" is a label for the items and adds little, if anything, to the claimed structure and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e. type of remote recipient) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a small business owner as well as a remote viewer as disclosed in the Remillard reference because the type of person does not

structurally alter or relate to the structure of the system and merely labeling a person differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claim 21, Remillard discloses the distinct second media source is further configured facilitate communication between a member of the show and a remote recipient (Col. 3, Lines 21-35, via the system permits exchange of messages to and from other electronic device users, computer users or various facilities).

As per Claim 22, Remillard discloses facilitating communication via a modem or telephonic (Col. 6, Line 67-Col. 7, Line 25).

Examiner takes Official Notice that it is old and well known in the communication art to provide communication in the form of email and chat room. For example, Hotmail, Gmail, Yahoo provides email services so that users can communicate via email. MSN Messenger and Yahoo Messenger provide chat rooms so that users can communicate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide communication in the form of email or chat rooms in order to provide an efficient, expeditious, and more convenient form of communication.

As per Claim 23, Remillard discloses the claimed invention as applied to Claim 1, above. However, Remillard fails to disclose the recipient being designated to win a contest.

Von Kohorn discloses the system for evaluation and rewarding responses and predictions with the concept of the recipient being designated to win a contest (Col. 39, Lines 4-18, via after participating in a number of games or other projects, each of which

resulted in the awarding to the respondent of a prize or award of significant monetary value).

Therefore, from the teaching of Von Kohorn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus of interactive television of Remillard to include the recipient being designated to win a contest as taught by Von Kohorn in order to aid in providing interactive television programming where viewers opinions can be obtained.

As per Claim 24, the Remillard and Von Kohorn disclose the claimed invention as applied to Claim 1, above. Claim 24 is directed to a system. The intended use of the system do not distinguish over the recited prior art since the Examiner asserts that the system in Remillard is fully capable of selected a recipient to appear in a television show. A system must be distinguished from the prior art in terms of structure rather than function alone. Examiner refers Applicant to MPEP 2114 wherein it states "while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function." See In re Schreiber, 128 F.3d 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

As per Claim 25, Remillard discloses the distinct second media source is further configured facilitate communication pertaining to the show between a plurality remote recipients (Col. 3, Lines 21-35, via the system permits exchange of messages to and from other electronic device users, computer users or various facilities).

As per Claim 26, Remillard discloses wherein a commercial broadcast during the first show presents additional marketing information associated with the transferred marketing information (Col. 5, Line 62-Col. 6, Line 21, discloses a user requesting additional information regarding an advertised product via an electronic device, where the host compute provides the information).

As per Claim 27, Remillard and Von Kohorn disclose the claimed invention as applied to Claim 1, above. However, the combination fails to disclose the first show including a storyline related to a business operation having an owner, the storyline having a predetermined issue related to the business operation. Examiner asserts that the type of show being broadcast has little, if any patentable weight in the system claim. The type of show being broadcasted does not alter or relate to the structure of the system. Examiner refers Applicant to MPEP 2114 wherein it states "while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function." See In re Schreiber, 128 F.3d 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

As per Claim 28, Remillard discloses the claimed invention as applied to Claim 27, above. However, Remillard fails to disclose the processor configured to select at least one proposed strategy based on criteria provided by the owner.

Von Kohorn discloses the system for evaluation and rewarding responses and predictions with the concept of the processor configured to select at least one proposed strategy based on criteria provided by the owner (Col. 15, Lines 5-23, via a machine-

readable means to facilitate the selecting and reading of the score and/or response (i.e. proposed strategy)).

Therefore, from the teaching of Von Kohorn, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus of interactive television of Remillard to include the processor configured to select at least one proposed strategy based on criteria provided by the owner as taught by Von Kohorn in order to aid in providing interactive television programming where viewers opinions can be obtained.

As per Claim 29, the Remillard and Von Kohorn combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to disclose the proposed strategy incorporating a product of a sponsor and corresponding to a predetermined issue related to a business operation of the first show.

Examiner asserts that the information identifying the proposed strategy as "a product of a sponsor and corresponding to a predetermined issue related to a business operation of the first show" is a label for the proposed strategy and adds little, if anything, to the claimed structure and thus does not service to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., the type of proposed strategy) which does not explicitly alter or impact the structure of the system does not patentably distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a proposed strategy that incorporates a

product of a sponsor and corresponding to a predetermined issue related to a business operation of the first show as well as providing a response as disclosed in the Von Kohorn reference because the type of information being provided does not functionally alter or relate to the structure of the system and merely labeling the information differently from that in the prior art does not patentably distinguish the claimed invention.

As per Claims 30 and 31, Remillard discloses a method comprising:

broadcasting, by a distinct first broadcasting computer system, a first show, of a series of shows, wherein the first show includes a storyline related to a business operation, wherein the storyline includes a predetermined issue related to the business operation, wherein the distinct first media source includes a distinct first interface configured to transfer marketing information within the first show to a remote recipient of the first show (Col. 1, Lines 51-65; Col. 4, Line 57-Col. 6. Line 21, discloses broadcasting television programs and advertisements (i.e. marketing information) to television/cable viewer. Examiner asserts that type of show (i.e. storyline) being broadcasted hold little, if any, patentable weight in the method claim. Examiner asserts that the data identifying the show as "a storyline related to a business operation, wherein the storyline includes a predetermined issue related to the business operation" is a label for the show and adds little, if anything, to the claimed method step of broadcasting a show and thus does not serve to distinguish over the prior art. Any differences related to merely to the meaning and information conveyed through labels (i.e. the type of show) which does not explicitly alter or impact the steps of the method does not patentably distinguish the claimed invention from the prior art in terms of

patentability. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to broadcast a show having a storyline related to a business operation, wherein the storyline includes a predetermined issue related to the business operation as well as a show as disclosed in the Remillard reference because the type of show does not functionally alter or relate to the steps of the method and merely labeling the show being broadcasted differently from that in the prior art does not patentably distinguish the claimed invention.);

presenting, by a distinct second computer system, additional marketing information associated with the transferred marketing information, wherein the additional marketing information associated with the first set of marketing information is presented to a viewer (Col. 5, Line 62-Col. 6, Line 21, discloses a user (i.e. a viewer) requesting additional information regarding an advertised product via an electronic device, where the host compute provides the information).

However, Remillard fails to disclose accepting a proposed strategy; storing the proposed strategy; selected a stored proposed strategy; and transferring the selected proposed strategy within a second show.

Von Kohorn discloses the system for evaluation and rewarding responses and predictions with the concept of accepting, by the distinct second computer system ,a proposed strategy, wherein the proposed strategy is submitted by the remote recipient, wherein the proposed strategy is based on the marketing information and the additional marketing information, wherein the proposed strategy incorporates a product of a sponsor and corresponding to a predetermined issue related to the business operation

of the first show; wherein the strategy comprises a method to complete a goal (Abstract, via a plurality of remote receiving stations wherein one or more members of a remote audience has the opportunity to respond to a situation presentation in the television program by entering a response (i.e. proposed strategy) on a keyboard. Col. 41, Line 63-Col. 42, Line 12, discloses the responses relating to merchandise being advertised. Examiner asserts that type of information being accepted (i.e. the type of proposed strategy) holds little, if any, patentable weight in the method claim. Examiner asserts that the data identifying the information as "a proposed strategy incorporating a product of a sponsor and corresponding to a predetermined issue related to the business operation of the first show; wherein the strategy comprises a method to complete a goal" is a label for the information and adds little, if anything, to the claimed acts or steps and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e. the type of information) which does not explicitly alter or impact the steps of the method does not patentably distinguish the claimed invention from the prior art in terms of patentability. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide and accept a proposed strategy incorporating a product of a sponsor and corresponding to a predetermined issue related to the business operation of the first show; wherein the strategy comprises a method to complete a goal as well as a response as disclosed in the Von Kohorn reference because the type of information being accepted does not functionally alter or related to

the steps of the method and merely labeling the information being differently from that ins the prior art does not patentably distinguish the claimed invention.);

storing, by the distinct second computer system, a plurality of proposed strategies wherein the proposed strategies are stored in a searchable database (Abstract, via a memory response to the instructional signal for storing acceptable responses (i.e. proposed strategies) Col. 15, Lines 33-55, discloses the memory 106 storing data with the to the answers which are to be provided by the viewing audience (i.e. proposed strategies) wherein information is capable of being retrieved from the memory 106.);

selecting, by the distinct second computer system, at least one proposed strategy stored on the searchable database; and transferring, by the distinct first broadcasting computer system, the selected proposed strategy within a second show, of the series of shows, wherein the storyline of the second show incorporates the proposed strategy (Col. 15, Lines 5-23, via a digital computer suitably programmed to facilitate a reading of the score and or response (i.e. proposed strategy) by the host on the television show. Examiner asserts that the data identifying the television show as "reality" is a label for the television show and adds little, if anything, to the claimed method steps and thus does not serve to distinguish over the prior art. Any differences related merely to the meaning and information conveyed through labels (i.e., the type of television show) which does not explicitly alter or impact the steps of the method does not patentably distinguish the claimed invention from the prior art in terms of patentability. Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to have a reality television show as well as a television show as disclosed in the Remillard reference because the type of television shoe does not structurally alter or relate to the steps of the method and merely labeling the television show differently from that in the prior art does not patentably distinguish the claimed invention.).

Response to Arguments

3. Applicant's arguments filed October 01, 2010 have been fully considered but they are not persuasive.

Applicant argues that the Remillard and Von Kohorn combination fails to explicitly disclose a distinct second media source configured to present additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient. Examiner respectfully disagrees. Examiner asserts that Remillard discloses an electronic device 20 (i.e. a distinct second media source) that is configured to provide (i.e. present) additional information regarding a product that is advertised on tv (i.e. a distinct first media source), via the information being displayed on the electronic device (i.e. a distinct second interface) via Col. 5, Line 62-Col. 6, Line 21.

Applicant also argues that Von Kohorn fails to explicitly disclose a searchable database configured to store a plurality of proposed strategies. Examiner respectfully disagrees. Examiner asserts that Von Kohorn discloses a memory 106 storing data with the to the answers which are to be provided by the viewing audience (i.e. proposed

strategies) wherein information is capable of being retrieved from the memory 106 via Col. 15, Lines 33-55. Examiner asserts memory 106 is not a local recording device such as "a card of plastic, or similar material, etc...". Rather, a response unit 22 comprises the memory 106 which is a program memory.

Applicant argues that the Remillard and Von Kohorn combination fails to explicitly disclose "a processor configured to select at least one proposed strategy stored on the database". Examiner respectfully disagrees. Examiner asserts Von Kohorn discloses a digital computer (i.e. processor) being suitably programmed to facilitate a reading of the score and or response (i.e. proposed strategy by the host on the television show (i.e. selecting a stored response to read on the television show) via Col. 5, Lines 5-23.

Applicant traverses the Official Notice taken as per Claim 22 requesting that "the examiner provide documentary evidence in the next Office Action if the rejection is to be maintained." Examiner asserts that Applicant's arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the act. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA 1971). This has not been done. The applicant has simply made a general allegation that the official notice taken is not well known and has not provided any convincing explanation of why

the facts alleged by the examiner as old and well known are in fact not well known and why the examiner is incorrect. A conclusionary statement alone with no supporting rationale pointing out why the examiner is incorrect is not considered an adequate traversal to the taking of "official notice". The examiner refers applicant to the reference titled "Yahoo bulletin board users sued for defamation US company acts against rumours" (dated March, 15, 1999) which states that Yahoo provides users with the ability to post messages on bulletin boards, send emails, and enter chat rooms. This reference is evidence that supports the position taken by the examiner with respect to official notice. The argument is non-persuasive and the examiner has now offered evidence in support of the taking of official notice even though the traversal is not taken as an adequate traversal to the taking of official notice. Examiner asserts that as a result of the traversal of the official notice taken being inadequate, the official notice taken stating "it is old and well known in the communication art to provide communication in the form of email and chat room" is taken to be admitted prior art.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thurs. 7:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./
Examiner, Art Unit 3689

/Dennis Ruhl/
Primary Examiner, Art Unit 3689